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HIGH COURT OF CHHATTISGARH AT BILASPUR

DIVISION BENCH

**CORAM: HON'BLE SHRI JAGDISH BHALLA, Ag. CJ. &
HON'BLE SHRI SATISH K. AGNIHOTRI, J.**

Writ Petition (P.I.L.) No. 2534 of 2007

Petitioner :

Pawan Jaiswal son of Shri Radheshyam Jaiswal, aged about 23 years, Ward Member of Ward No.8, Municipal Council Kawardha, Resident of Mathpara Kawardha, District Kabirdham (C.G.)

Versus

Respondents :

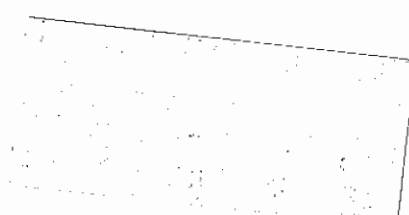
1. State of Chhattisgarh, through : The Secretary, Department of Revenue, D.K.S. Bhawan, Raipur, (C.G.).
2. The Secretary, Department of Urban Administration, D.K.S. Bhawan, Raipur, (C.G.).
3. The Collector, Kawardha, District Kabirdham (C.G.)
4. The Municipal Council Kawardha, Through: The Chief Municipal Officer, Municipal Council Kawardha, District Kabirdham (C.G.)
5. The Tahsildar Kawardha, District Kabirdham (C.G.)
6. Ramesh Kumar Chandrawanshi son of Shri Latel Chandrawanshi, Resident of Sarafa Line, Rajendra Bhothra Complex, Kawardha, District Kabirdham (C.G.)

Writ Petition under Article 226 of the Constitution of India

**Present : Shri P.P. Sahu, counsel for the petitioner.
Shri Sanjay S. Agrawal, Government Advocate for the State.**

ORAL ORDER

(Passed on 25th July, 2007)



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The following oral order of the Court was passed by Hon'ble Jagdish Bhalla, Ag. C.J.

This is the second writ petition on the subject in question. First writ petition No. 940/2006 filed by Gurnam Saluja was dismissed by this Court by order dated 28-02-2006. In para 5.3 of the petition though the petitioner has mentioned that the petitioner made certain investigation and found that Gurnam Saluja is having all relevant documents. He took those papers from him, however, the petitioner has not indicated about the further investigation made in this petition in regard to filing of this writ petition. Thereafter, when this petition was drafted, the counsel clearly indicated that Gurnam Saluja had filed a writ petition earlier, which was rejected, it did not deter the petitioner from filing this writ petition. Petitioner has basically made one prayer i.e in para 7.3 wherein it was prayed that the revenue authorities be directed to demarcate the plot No.498 of Khasra No.576 and to remove the encroachment immediately.

We are of the considered opinion that the petitioner has remedy under the revenue law to approach the authorities concerned for demarcation. In light of the fact that writ petition on the same issue has been earlier dismissed, no interference is warranted under Article 226 of the Constitution of India. It is clarified that it would be open for the Government to ponder over the matter whether really there is any encroachment on the land in question as the land belongs to Government if it is so, some necessary action is required in this regard.

With this observation, the petition stands disposed of.

Sd/-
Ag. Chief Justice

Sd/-
Satish K. Agnihotri
Judge